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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,901	02/09/2001	Ronald W. Colwill JR.	4150-4000US1	8352
27123	7590	05/25/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			AMSBURY, WAYNE P	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,901

Applicant(s)

COLWILL, RONALD W.

Examiner

Wayne Amsbury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-308 is/are pending in the application.
- 4a) Of the above claim(s) 67-71 and 138-308 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-66 and 72-137 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/8/5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

CLAIMS 1-66 AND 72-137 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. This application contains claims 67-71 and 139-308 drawn to an invention nonelected with traverse in Paper No. 13 September 2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

3. Applicant's arguments filed 5/9/05 have been fully considered but they are not persuasive.

Applicant traverses the rejections on the basis of a distinction between the display of a virtual directory of Web pages and the display resulting from searching the Web on demand in order to produce an equivalent display.

This argument is flawed for at least the following reasons:

a. The claims are directed to the display of a **virtual** directory. (Emphasis added.)

This is clearly intended to be something with the *appearance* of a directory.

Consequently, it does not matter *how or when* the displayed material is determined so long as it appears to be a directory.

b. The Web is dynamic, and even a fixed, stored directory of it is derived at some stage from searches. Applicant mentions commercial services such as Google, but the

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user has no knowledge, or need to know, how much of a Google display was derived from a search made a millisecond ago, and one made a month ago. This is precisely because the display of results comprises a virtual directory. Conversely, a stored directory of the Web is also derived by searching at some time, perhaps a millisecond prior to the query rather than a millisecond after the query. There is no distinction between the two cases that is significant to a user.

Applicant states: *However, nowhere does Leeke disclose or suggest multi-level search architecture and, thus, there is no motivation to combine Leeke and Liu.* Firstly, Leeke is directed to searching the Internet and further to searching by selection of a category followed by further navigation, both aspects being amply cited in the rejection. Leeke was introduced to teach the details of implementation including display features and explicit point-and-click operations, not to (re-) teach the three-level search architecture taught by Liu. Applicant does not address the motivation as provided in the rejection.

4. Claims 1-66 and 72-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al (Liu), Database and Expert Systems Proceedings of the Tenth International Workshop on Applications, 1999, pp.630-634m USBN: 0-7695-0281-4, and Leeke et al (Leeke), US 6,587,127, 1 July 2003.

Liu is directed to three-level metadata architectures.

Liu addresses a fundamental deficiency of the prior art as set forth in the Specification [page 1 line 12 and after], namely that the number of web pages to be searched is very large [page 630 LHC], and resolves it essentially as claimed, by application of a multi-level architecture.

The particular example illustrated involves category-, goods-, and resource-level metadata within a (virtual) Directory Information Tree (DIT), depicted in Figure 2 page 633, LHC.

Search of this structure corresponds to the first-, second-, and third-level search categories of the claims. Liu does not address the details of implementation in terms of explicit display structures on web pages, although the intended use of this virtual directory system is the Internet [page 632 RHC].

Leeke is directed to a multi-level search system on the Internet [COL 1 lines 14-20], and supports a categorical search for content [COL 5 lines 7-15]. The categorical search system of Leeke addresses the deficiencies of the prior art set forth in the Specification at page 2-3 essentially as claimed. In particular, the first display window is simplified [FIG 2, 22-34], and navigation is by point-and-click operations that can be resumed [COL 7 lines 45-62].

The very large set of resources noted by Leeke in the BACKGROUND provides a motivation for the use of a general organizing system such as that of Liu. Conversely, the web page intended use of Liu suggests that elements of display and implementation such as those of Leeke are needed to implement the general system of Liu. These are technologies that clearly complement each other when used together.

The meta-levels of Liu correspond to first-, second-, third-levels in Leeke in a number of ways. One such correspondence is illustrated by FIG 22-34, in the form of a first (category) level of Radio, Events, ..., a second (resource) level such as Category, Band, Location, and a third (goods) level such as Artist, Album, ...

It is noted that all of the deficiencies of the prior art noted in the Specification are addressed by the teachings of Liu and Leeke, providing at least three levels of decreasing generality for web page displays in a search that is navigated by scrolling and clicking and which provides for the resumption of search as needed. The details of these teachings as they apply to the claims are addressed below.

As to **claim 14**, both Leeke and Liu correspond to virtual directories on the Web, Leeke provides for the first display to be fully displayed within a browser window [COL 11 lines 57-59], and Leeke navigates by point-and-click as noted a number of places, such as COL 7 lines 55-62.

The combination does not explicitly teach a three-level system with the details of the display precisely as claimed, but the distinctions are details that are not deficiencies of the prior art overcome by the claimed invention.

The figures 2 and after of Leeke clearly correspond to receiving a display of a first interface, including a plurality of search categories on a single web page configured for pointing and clicking to at least one second level search category. However, the figures do not show an alphabetical arrangement. Such an arrangement is not stated to overcome a deficiency of the prior art, and Leeke provides for the user to choose an alphabetical arrangement as needed [COL 12 lines 39-40; COL 13 lines 28-32].

Leeke does not display letters A through Z arranged adjacent said first level search category, but this is not stated to overcome a deficiency of the prior art; it is directed to a choice of display design.

Leeke teaches the use of scroll bars adjacent said first level categories [FIG 3; COL 9 lines 33-39; Col 27 lines 41-48]. Leeke teaches the use of a uniform research locator in the form of an URL (Uniform Resource Locator) for web sites at which a resource may be located by searching [COL 44 lines 11-24].

The elements of **claims 15-26** are either rejected in the analysis above or represent choices that are not stated in the Specification to overcome deficiencies in the prior art. In particular, note the teaching of the use of a mouse [claim 26] at COL 7 lines 55-62, the use of a cancel button [FIG 3, 252; COL 8 line 66 and after] which corresponds to a return bar or return button or icon [claims 21-22] and to the hide button of claim 24.

The elements of **claims 1-13** are rejected in the analysis above, with the added specificity of at least 1,000 first level search categories arranged in alphabetical order. Leeke and Liu both deal address the need to simplify a search interface in response to the large number of potential resources on the Internet. The specific number of 1,000 first level categories is not stated to overcome a deficiency of the prior art, and in fact, does not appear to fall within the goal of designing a simplified interface.

The elements of **claims 27-66 and 72-137** are rejected in the analysis above or include elements that are not stated to overcome a deficiency of the prior art and these claims are rejected on that basis.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 **FIRST WEEK**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER